

## Message Text

SECRET

PAGE 01 MEXICO 04845 111526Z

ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

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O 080154Z APR 77 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 1429

S E C R E T MEXICO 04845

NODIS

C O R R E C T E D C O P Y (PARA 2)

EO 11652 : X-GDS-2

TAGS : PFOR, MX

SUBJ : BOYCE/LEE ESPIONAGE CASE

REF : STATE 74423

1. SUMMARY : ALTHOUGH RELUCTANT, FONSEC WILL RAISE QUESTION OF APPEARANCE OF MEXICAN WITNESSES WITH PRESIDENT AGAIN WEEK OF APRIL 11. END SUMMARY.

2. I WAS ABLE TO RAISE THIS SUBJECT AGAIN WITH FONSEC ROEL TODAY APRIL 7. I EXPLAINED THAT WHILE USG APPRECIATED GOM WILLINGNESS ALLOW THE TAKING OF DEPOSITIONS IN MEXICO, THIS WOULD NOT MEET NEEDS OF THE DEPT OF JUSTICE. I NOTED THAT IN PRE-TRIAL MOTIONS AND ARGUMENTS THE DEFENDANTS LOST ON THE ISSUES OF ALLEGED ILLEGAL GOM ACTIVITIES IN THE ARREST, DETENTION, INTERROGATION AND DEPORTATION OF LEE. ARGUING THAT THESE ISSUES HAD BEEN THE SOURCE OF GOM CONCERN AND THE APPEARANCE OF THE MEXICAN POLICE OFFICERS AS WITNESSES AT THE TRIAL IS STILL ESSENTIAL, I ASKED FONSEC TO URGENTLY SEEK PRESIDENT'S PERMISSION FOR THESE WITNESSES TO APPEAR AT TRIAL NOW SCHEDULED FOR APRIL 11.

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3. SECRETARY ROEL EXPOSTULATED THAT PRESIDENT HAD ALREADY DECIDED AGAINST PERMITTING APPEARANCE OF THESE WITNESSES. FONSEC SAID GOM CONCERNS WERE NOT LIMITED TO THOSE I HAD MENTIONED AND THAT PRESIDENT HAD BEEN ADAMANT IN REFUSING TO LET POLICE WITNESSES GO TO US EITHER TO GIVE DEPOSITIONS OR TO APPEAR AS WITNESSES AT TRIAL.

4. I SAID I FULLY UNDERSTOOD BUT HOPED THAT IN VIEW OF CHANGED CIRCUMSTANCES IN AFTERMATH OF PRE-TRIAL MOTIONS AND ARGUMENTS, FONSEC WOULD BE WILLING TO TRY AGAIN TO OBTAIN PRESIDENT'S PERMISSION. I AGAIN REVIEWED ARGUMENTS ENDING WITH FACT WE WANT WITNESSES TO TESTIFY ONLY CONCERNING ROUTINE POLICE FUNCTIONS OF ARREST OF LEE AND REMOVAL OF PHYSICAL EVIDENCE FROM HIS PERSON.

5. WITH OBVIOUS RELUCTANCE, FONSEC SAID HE WOULD MAKE A FURTHER EFFORT TO OBTAIN PRESIDENT'S PERMISSION. HOWEVER, DESPITE TRIAL OPENING DATE, HE SAID HE WOULD BE UNABLE TO DO THIS BEFORE APRIL 11 AT EARLIEST BECAUSE OF HOLY WEEK HOLIDAY.

6. WILL ADVISE ASAP. THOMPSON

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NNN

## Message Attributes

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Margaret P. Grafeld  
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